

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DISTRICT

EDDIE JAMES SHORTY

PLAINTIFF

VS.

CIVIL ACTION NO. 5:12-cv-114(DCB)(MTP)

EMMITT L SPARKMAN, LARRY LEE,
AND RAYMOND BYRD

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on the Report and Recommendation (**docket entry 48**) of Magistrate Judge Michael T. Parker, as well as defendant Raymond Byrd's motion to dismiss for insufficient service of process (**docket entry 40**), plaintiff's motion for a default judgment (**docket entry 37**), and plaintiff's motion for an order directing defendants to answer (**docket entry 43**). Having considered same, and there being no objections from plaintiff or defendants to the Report and Recommendation, the Court orders as follows:

IT IS HEREBY ORDERED that the Report and Recommendation (**docket entry 48**) of Magistrate Judge Michael T. Parker is ADOPTED as the findings and conclusions of this Court;

FURTHER ORDERED that defendant Raymond Byrd's Motion to Dismiss for insufficient service of process (**docket entry 40**) is DENIED without prejudice;

FURTHER ORDERED that plaintiff's motion for a default judgment (**docket entry 37**) and motion for an order directing defendants to

answer (**docket entry 43**) are DENIED;

FURTHER ORDERED that the plaintiff is afforded an additional thirty days from the date of entry of this Order to complete service of process and to file appropriate proof thereof with the Clerk of Court. The plaintiff is further advised that failure to properly complete service of process or to file the proof of service within the thirty days will result in a dismissal of all unserved defendants without prejudice and without further notice.

SO ORDERED, this the 4th day of September, 2013.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE